

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

RALPH E. UMPHREY,

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-4
(GROH)**

**WEST VIRGINIA UNIVERSITY
BERKELEY MEDICAL CENTER
BEHAVIORAL HEALTH UNIT,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court for consideration of a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 7. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. On January 12, 2016, Magistrate Judge Trumble issued his R&R recommending that this Court dismiss the Plaintiff’s complaint for lack of subject matter jurisdiction.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, this Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file objections in a timely manner constitutes a waiver of *de novo* review and a plaintiff’s right to appeal this Court’s Order.

28 U.S.C. § 636(b)(1)(C); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

In this case, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 72(b) of the Federal Rules of Civil Procedure, objections to Magistrate Judge Trumble's R&R were due within fourteen days after being served with a copy of the R&R. The Plaintiff was served with the R&R on January 20, 2016. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

Upon careful review, it is the opinion of this Court that the magistrate judge's Report and Recommendation [ECF No. 7] should be, and is hereby, **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE** and the Motion for Leave to Proceed *In Forma Pauperis* [ECF No. 2] is **DENIED** as moot.

The Court **DIRECTS** the Clerk to enter a separate judgment order in favor of the Defendant, pursuant to Federal Rule of Civil Procedure 58.

The Court further **DIRECTS** the Clerk to close this case and strike it from the Court's active docket.

The Clerk is **DIRECTED** to transmit a copy of this Order to the *pro se* Plaintiff.

DATED: February 12, 2016


GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE